



Embassy of the United States of America
Treaty Visa Office, 5 Upper Grosvenor Street, London, W1A 2JB
Tel: 020-7894-0544 (2:30-4:30 p.m.)
Email: evisaslondon@state.gov

TREATY TRADER AND TREATY INVESTOR VISAS

Thank you for your inquiry concerning investing/trading in the United States. The following information describes the two types of non-immigrant visas for persons wishing to invest in or trade with a company in the U.S.: a **Treaty Trader (E-1)** or a **Treaty Investor visa (E-2)**. Please note that neither of these visas is a substitute for an immigrant visa. Persons wishing to remain indefinitely in the U.S. should apply for the appropriate immigrant visa.

PLEASE READ ALL OF THE ENCLOSED MATERIAL CAREFULLY AND FILL IN ALL REQUIRED FORMS COMPLETELY. Incomplete applications will be returned without adjudication; this will obviously cause you delays.

An applicant for a Treaty Trader (E-1) or Treaty Investor (E-2) visa must first establish that the trading enterprise or investment enterprise meets the requirements of the law. An E visa application consists of the visa application form DS-156E Part I and III and all required company documentation.

Treaty Trader: Applicants for treaty trader status must document the value, volume, and frequency of their U.S.-treaty country trade, and show that it is substantial relative to the nature of their firm's business. Visas are available to managers, executives, or individuals which specific skills which are not generally available in the U.S. workforce which make their presence essential to the efficient operation of the enterprise. Unskilled manual worker, clerical workers, or middle/lower-level management personnel do not qualify for employee visas.

Treaty Investor: The investor must be coming to the U.S. solely to develop and direct the enterprise. Proof that an actual financial investment of funds has been made must be shown before an investor visa can be applied for or a company can be registered for E visa status. If the applicant is not the principal investor, he or she must be employed in a supervisory, executive, or highly specialized capacity. Ordinary skilled and unskilled workers do not qualify.

The application should be mailed to the Treaty Visa Office clearly marked FOR THE ATTENTION OF THE TREATY VISA OFFICER.

Applications are reviewed in the order in which they are received. **Adjudication of an E visa application is complex and time-consuming; therefore, adjudication can take eight to ten weeks.** Within eight weeks to ten weeks, you will receive notification by mail of the outcome of the adjudication and instructions regarding the next steps to take. If additional material is requested or submitted after the initial review, the new material will be logged in for adjudication at the time it is received and reviewed with all other cases in sequence.

While you may mail the application to register the company to the Embassy from the United States, you must be physically present in the United Kingdom in order to apply to have your passport endorsed with a visa.

UK Residency Required for British applicants: The controlling treaty between the U.S. and the UK requires that E visa investors or traders be "inhabitants" of British territory in Europe. According to the treaty, this term means "one who resides actually and permanently in a given place, and has his domicile there". Therefore, a British applicant must prove domicile in the UK.

USCIS Change of Status: Please take note: It is necessary to establish the company's entitlement to E visa status prior to the issuance of an E visa to an investor or employee, even if the USCIS has authorized a Change of Status to E-1 or E-2 for a person in the U.S. That status is valid only as long as the person remains in the U.S. To obtain an E visa, a COMPLETE application, with all required documentation, must be submitted to the Embassy for adjudication before a visa can be issued. This can take approximately eight weeks to ten weeks.

WE CANNOT DISCUSS REFUSALS OR HYPOTHETICAL CASES BY TELEPHONE OR E-MAIL. Please submit all responses or discussion in written form.

APPLYING FOR THE VISA: On notification that the company has been registered, the employees may apply for E-1 or E-2 visas. All applicants aged 14 to 79 are required to schedule an appointment for an interview with a consular officer. **Appointments may only be scheduled by e-mailing the Treaty Visa Office at evisaslondon@state.gov.**

All E visa applicants, including children, are required to complete the visa application form DS-156, pay a visa application fee, present a passport and provide one passport type photograph which meets State Department Regulations. In addition, males aged 16 to 45 are required to complete the supplemental nonimmigrant visa application form DS-157. **(see Page 4)**

Family Members: Spouses and unmarried children under 21 years of age, regardless of nationality, may receive derivative E visas in order to accompany the principal applicant.

Dependents are not automatically entitled to work in the U.S. based on the E visa, however a spouse (only) may apply to the US Citizenship and Immigration Services (USCIS) upon their arrival in the United States for authorization to work.

If the passport is not in the married name, a copy of the marriage certificate must be submitted.

A fiancé or partner is **not** a spouse under U.S. law and **cannot** obtain an E visa. They may qualify for another type of visa, but would need to meet all legal requirements for that visa.

Limit of U.S. Stay: Holders of E visas may reside in the U.S. as long as they continue to maintain their status with the enterprise **and** the USCIS.

Applicants should be aware that a visa **does not** guarantee entry into the U.S. The USCIS has authority to deny admission. The period for which the bearer of an E visa is authorized to remain in the U.S. is determined by the USCIS, not the visa. At the port of entry, an immigration official validates Form I-94, Record of Arrival-Departure, which notes the length of stay permitted. Those persons who wish to stay beyond the time indicated must contact the USCIS to request Form I-539, Application to Extend Status. The decision to grant or deny a request for extension of stay is made solely by the USCIS.

Check List for E Visa (For Applicant's Use Only: Do Not Submit with Application)

Application Form

- DS-156E Part II and III form for each principal applicant (i.e., investor or employee), **fully** completed
- Photocopy of **all** pages of passport for **each** applicant. The original passport(s) will be required once the company has been registered.
- If applicant is in the U.S., copy of current I-94 or I-797

Evidence of Ownership and Nationality of Business

- Photocopy of data page of owner's passport if different from principal applicant
- Documentation of current residence or domicile in the UK
- Documentation of percentage of ownership of the business, e.g. share certificates, partnership agreements, stock exchange listings.

Evidence of Trade: E-1 application only

- Documentation of trade conducted, e.g., copies of invoices, bills of lading, U.S. customs declarations, accounts receivable/payable ledgers
- Copies of most recent U.S. tax return and annual financial report
- Copies of broker licenses or other licenses needed to conduct trade

Evidence of Investment in the U.S.: E-2 visa applications only

- Substantiation of value of the enterprise
- Evidence of ownership of the funds invested
- Evidence of actual investment of funds in the enterprise, e.g. bank transfers, bank statement, escrow agreements
- Copies of mortgages, loan agreements, promissory note, most recent U.S. tax return and annual financial report
- Documentation of ownership of other company assets, e.g. equipment, inventory

Evidence of Real and Operating Enterprise in the U.S. (E-2 application only)

- Copies of most recent U.S. income tax returns
- Copies of most recent audited financial report or balance sheet
- Business plan

Evidence Enterprise is More than Marginal (E-2 application only)

- Copies of most recent personal and business U.S. income tax returns
- Copies of W-2 forms for employees

Additional Documentation for E-1/E-2 Employee Visas

- Detailed job description, including job title, responsibilities, supervisory authority
- Organizational Chart reflecting the position and clearly delineating lines of authority
- Company letter indicating other E-1/E-2 visa holders in the U.S. and their positions in the company and the number of U.S. nationals in the firm and their positions in the company

- Curriculum vitae or resume of the employee

- If applying from the U.S.: Current I-94 or I-797

Additional documentation for dependents

- Spouse whose surname, as it appears in the passport, is different from the surname of the principal applicant: copy of marriage certificate
- Child whose surname, as it appears in the passport, is different from the surname of that of the principal applicant: copy of birth certificate.

DOCUMENTS REQUIRED TO APPLY FOR THE VISA ONCE THE COMPANY HAS BEEN REGISTERED

- **Visa Application Form, DS-156.** All E visa applicants, including children, are required to complete the DS-156. The form is available from the Embassy's website at www.usembassy.org.uk and should be completed online. All 3 pages of the form, including the 2-D bar code on page 3, must be printed and included with the application;
- **Visa Application Form, DS-157.** Completed by males aged 16 to 45 only. The form is available from the Embassy's website at www.usembassy.org.uk;
- **Visa Application Fee:** There is a visa application fee of £60 per applicant, even if included in a passport with other family members. The fee payment slip will be sent to you with the appointment letter. You should take the fee payment slip to any Barclays' branch and pay the nonrefundable application fee **IN CASH**. You may use any other bank, but banks other than Barclays may charge you for their services. The bank will endorse both the red Embassy Copy and the black Applicant's Copy of the receipt. **You should attach the red Embassy Copy of the receipt to the form DS-156. The fee must be paid prior to the visa interview; it cannot be paid at the Embassy;**
- **Photograph** which confirms to Department of State guidelines. (see attachment);
- **A Valid Passport** with at least one blank page.

Visa Issuance Fee: If an application meets all of the requirements for E visa issuance, a visa fee may be required prior to the issuance of the visa. Issuance fees vary by nationality and reciprocity. **Issuance fees are paid to the Embassy cashier on the day of the visa interview.**

Fees may be paid in cash - sterling or dollar equivalent, or by Credit Card - Visa, MasterCard, Diners Club, Discover or American Express. The Embassy does not accept any other credit or debit cards, or personal checks. The following fees apply to British citizens:

E-1 visas:	Principal Applicant (Employee)	No Fee
	Dependents (Spouse and Children)	No Fee
E-2 visas:	Principal Applicant (Investor or Employee)	\$ 105.00
	Dependents (Spouse and Children)	\$ 105.00 per person